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09/598,767	06/22/2000	Fumiaki Takahashi	862.C1934	8469

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EXAMINER	
PARK, CHAN S	

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/598,767	Applicant(s) TAKAHASHI, FUMIAKI	
	Examiner CHAN S PARK	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,8-14,16 and 18-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,8-14,16 and 18-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 2/6/04, and has been entered and made of record. Currently, **claims 1-4, 6, 8-14 and 16-27** are pending.

Specification

2. The corrected or amended specification was received on 2/6/04 and it is acceptable.

Response to Arguments

3. The Examiner initially rejected claims **1-8, 12-18 and 20-26** under 35 U.S.C. 102(b). Please note that current Office Action has made the correction so that the amended claims are now rejected under 35 U.S.C. 102(e).

4. Applicant's arguments filed 2/6/04 have been fully considered but they are not persuasive.

Upon review of the reference of Ozawa et al. (U.S. Patent No. 6,115,137), which was cited in the Office action dated 11/6/03 under 35 U.S.C. 102(e), as clearly anticipating **claims 1-8, 12-18 and 20-26**, the examiner notes that the reference can still be interpreted as anticipating the claims, as currently amended.

Particularly, as amended, the independent claim 1 now requires an image inputting apparatus including "a setting section, arranged to set a display property which defines image processing to be applied to an image by the information processing

apparatus." Ozawa discloses an inputting apparatus (digital camera in fig. 16) comprising:

a capture section, arranged to capture an image (image sensing circuit 28);

a storage controller, arranged to store the captured image in memory (image memory 32);

a communication section (infrared ray communication interface 16), arranged to communicate with an information processing apparatus (CPU 50 in conjunction with RAM 54 in fig. 17) to which a printer (printer engine control circuit 64 in conjunction with printer engine 66) is connected;

an inputting section (print switch 408 in fig. 18), arranged to input a print request of the captured or stored image (col. 11, lines 37-39); and

a setting section (operation switch 38), arranged to set a display property (col. 8, lines 10-24 corresponding to figs. 9A-D and figs. 23 & 24) which defines image processing to be applied to an image by the information processing apparatus (col. 11, line 63 – col. 12, line 10),

wherein said communication section transmits a print execution instruction, the captured or stored image to be printed, and the display property to the information processing apparatus when said inputting section inputs the print request (col. 11, lines 37-39).

Referring to col. 11, line 63 – col. 12, line 10, it is evidently clear that CPU 50 performs image processing on the image data received by converting it into print data. Thus, CPU 50 in conjunction with the software stored in RAM 54 performs as the

information processing apparatus as specified in claim 1. Although the Applicant suggests that image processing is not a part of the image inputting apparatus nor the printer, this limitation from the specification is not read into the claim. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, referring to figs. 9A-D, when a portion of an image is selected to be zoomed, the selected portion will be sent to the information processing apparatus for the image processing. Additionally, referring to col. 6, lines 49-56 and fig. 22, the inputting apparatus instructs either high-quality (HQ) printing or high-speed (HS) printing. Thus, it is inherent that based on the instruction, CPU 50 performs the image processing accordingly. Also, read col. 15, lines 26-40 and fig. 22 for error diffusion and dithering instruction.

5. With respect to ***amended claim 9,*** the applicant argued that the combination of Ozawa and Ota fails to teach or disclose the features of claim 9. Referring to the Office action dated 11/6/03, claim 8, which Ozawa discloses a layout setter arranged to set a layout upon printing an image (col. 8, lines 10-54), is rejected under 35 U.S.C. 102(e). However, Ozawa does not discloses expressly a display section arranged to display a pointing cursor together with the captured or stored image, to set the layout by moving the pointing cursor using said layout setter.

Ota, on the other hand, discloses a digital camera having a display unit for displaying a plurality of saved/captured images and a cursor, together with the images, for selecting an image to be image processed (col. 10, lines 1-17). Specifically referring

to lines 15-17, Ota uses the cursor, which is read as a pointing cursor, for selecting an image by moving the cursor to the reduced image.

Ozawa and Ota are analogous art because they are from the same field of endeavor that is the digital camera art.

At the time of the invention, it would have been obvious to person of ordinary skill in the art to combine the pointing cursor for selecting an image by moving the cursor taught by Ota with the inputting apparatus taught by Ozawa. Since moving the cursor for selecting an image is taught by Ota and setting the layout is taught by Ozawa, it would have been further obvious to combine the two to select an image and then set the layout accordingly.

The motivation/suggestion for doing so would have been to provide a user-friendly interface function by introducing a pointing cursor for choosing an image.

Therefore, it would have been obvious to combine Ozawa and Ota to obtain the invention as specified in claim 9.

It appears in the Applicant's argument that neither Ozawa nor Ota teaches the method of enlarging/reducing an image by holding down each handle 1401 in fig. 15 of the Applicant's specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, the Examiner initially took Official Notice in the Office action dated 11/6/03 that such a method of enlarging/reducing is well known in the displaying art.

6. With respect to ***amended claim 27***, the Applicant argues that incorporating DPOF in claimed invention would not have been obvious. However, the Office disagrees since the Applicant admitted that DPOF has been applied to use as a standard format for setting an image to be printed from sensed images on a ***digital camera***, and storing that setting information together with the image.

Since DPOF is used in a digital camera, it would have been obvious to incorporate the feature of DPOF in the Ozawa digital camera.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 8, 12-14, 16, 18 and 20-26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ozawa U.S. Patent No. 6,115,137.

7. With respect to claim 1, Ozawa discloses an inputting apparatus (digital camera in fig. 16) comprising:

a capture section, arranged to capture an image (image sensing circuit 28);

a storage controller, arranged to store the captured image in memory (image memory 32);

a communication section (infrared ray communication interface 16), arranged to communicate with an information processing apparatus (CPU 50 in conjunction with RAM 54 in fig. 17) to which a printer (printer engine control circuit 64 in conjunction with printer engine 66) is connected;

an inputting section (print switch 408 in fig. 18), arranged to input a print request of the captured or stored image (col. 11, lines 37-39); and

a setting section (operation switch 38), arranged to set a display property (col. 8, lines 10-24 corresponding to figs. 9A-D and figs. 23 & 24) which defines image processing to be applied to an image by the information processing apparatus (col. 11, line 63 – col. 12, line 10),

wherein said communication section transmits a print execution instruction, the captured or stored image to be printed, and the display property to the information processing apparatus when said inputting section inputs the print request (col. 11, lines 37-39).

Referring to col. 11, line 63 – col. 12, line 10, it is evidently clear that CPU 50 performs image processing on the image data received by converting it into print data. Thus, CPU 50 in conjunction with the software stored in RAM 54 performs as the information processing apparatus as specified in claim 1.

8. With respect to claim 2, Ozawa discloses the image inputting apparatus according to claim 1, wherein said image inputting apparatus is a digital still camera (digital camera 10 in fig. 16).

9. With respect to claim 3, Ozawa discloses the image inputting apparatus according to claim 1, wherein said communication section communicates via a serial bus (col. 17, lines 3-6).

10. With respect to claim 4, Ozawa discloses Ozawa discloses the image inputting apparatus according to claim 1, further comprising:

a display arranged to display the captured or stored image (display panel 34),

wherein said communication section transmits an image corresponding to the image displayed on said display as an image to be printed to the information processing apparatus (col. 10, line 52 – col. 11, line 2 & step 607 in fig. 21).

11. With respect to claim 6, Ozawa discloses the image inputting apparatus according to claim 1, wherein the display property is as least one of a lightness, gains of respective color components, contrast, color temperature, and gamma value (col. 7, line 61 – col. 8, line 9).

12. With respect to claim 8, Ozawa discloses the image inputting apparatus according to claim 1, further comprising:

a layout setter arranged to set a layout upon printing an image,

wherein said communication section transmits the set layout together with the image to be printed to the information processing apparatus (col. 8, lines 10-54).

13. With respect to claim 12, Ozawa discloses an information processing apparatus comprising:

a communication section (infrared ray communication interface 18 in fig. 17), arranged to receive a print execution instruction, an image to be printed, and a display property from an image inputting apparatus (col. 11, lines 37-45);

a processor (CPU 50), arranged to perform image processing defined by the received display property on the received image (col. 11, line 65 – col. 12, line 10); and

a controller (CPU 50), arranged to issue a print request of the processed image, and to transmit the processed image to a connected printer (printer 66).

Since all processes are automated after the image data from the digital camera is received, CPU 50 inherently sends the print request to the printer engine control circuit 50 perform actual printing.

14. With respect to claim 13, Ozawa discloses an information processing apparatus according to claim 12, wherein the image inputting apparatus is a digital still camera (fig. 16).

15. With respect to claim 14, Ozawa discloses an information processing apparatus according to claim 12, wherein said communication section communicates via a serial bus (col. 17, lines 3-6).

16. With respect to claim 16, Ozawa discloses an information processing apparatus according to claim 12, wherein the image processing is at least one of luminance correction, color correction, error diffusion, dithering, gain correction in units of color components, contrast correction, and gamma correction (fig. 22).

17. With respect to claim 18, Ozawa discloses an information processing apparatus according to claim 12, wherein said processor generates image data as to the processed image in accordance with layout information received from the image inputting apparatus together with the image to be printed (figs. 9A-D).

18. With respect to claim 20, arguments analogous to those presented for claims 1 and 12, are applicable.

19. With respect to claim 21, arguments analogous to those presented for claim 1, are applicable.

20. With respect to claim 22, arguments analogous to those presented for claim 12, are applicable.

21. With respect to claim 23, arguments analogous to those presented for claim 1, are applicable. Also refer to col. 21, lines 64-67.

22. With respect to claim 24, arguments analogous to those presented for claim 12, are applicable. Also refer to col. 21, lines 64-67.

23. With respect to claim 25, Ozawa discloses an image inputting apparatus according to claim 1, further comprising:

an editing setter arranged to set an edit process of an image,

wherein said communication section sends edit process information indicating the set edit process together with the image to be printed to the information processing apparatus (col. 15, lines 26-45).

24. With respect to claim 26, Ozawa discloses an information processing apparatus according to claim 25, wherein the information processing apparatus launches a program corresponding to contents of the edit process indicated by the received edit process information (col. 21, lines 64-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al. as applied to claims 1-8 above, and further in view of Ota U.S. Patent No. 6,201,571.

25. With respect to claim 9, Ozawa discloses the inputting apparatus according to claim 8 but it does not discloses expressly a display section arranged to display a pointing cursor together with the captured or stored image, to set the layout by moving the pointing cursor using said layout setter.

Ota, on the other hand, discloses a digital camera having a display unit for displaying a plurality of saved/captured images and a cursor, together with the images, for selecting an image to be image processed (col. 10, lines 1-17). Specifically referring to lines 15-17, Ota uses the cursor, which is read as a pointing cursor, for selecting an image by moving the cursor to the reduced image.

Ozawa and Ota are analogous art because they are from the same field of endeavor that is the digital camera art.

At the time of the invention, it would have been obvious to person of ordinary skill in the art to combine the pointing cursor for selecting an image by moving the cursor taught by Ota with the inputting apparatus taught by Ozawa. Since moving the cursor for selecting an image is taught by Ota and setting the layout is taught by Ozawa, it would have been further obvious to combine the two to select an image and then set the layout accordingly.

The motivation/suggestion for doing so would have been to provide a user-friendly interface function by introducing a pointing cursor for choosing an image.

Therefore, it would have been obvious to combine Ozawa and Ota to obtain the invention as specified in claim 9.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al. as applied to claim 1 above, and further in view of Sarbadhikari et al. U.S. Patent No. 5,477,264.

26. With respect to claim 10, the Ozawa et al. reference discloses all the limitations disclosed in claim 1, but it does not explicitly disclose an image inputting apparatus comprising:

a storage, arranged to store information indicating a plurality of template images which can be synthesized with the captured or stored image; and

a selector, arranged to select a template image to be synthesized,

wherein said communication section transmits information indicating the selected template image together with the image to be printed.

The Sarbadhikari et al. reference, on the other hand, discloses a digital camera including algorithms for correcting and editing images (col. 10, lines 4-23). It further discloses the digital camera comprising:

a storage, arranged to store information indicating a plurality of template images which can be synthesized with the captured or stored image; and

a selector, arranged to select a template image to be synthesized,

wherein said communication section transmits information indicating the selected template image together with the image to be printed (col. 10, lines 24-53).

Ozawa et al. and Sarbadhikari et al. are analogous art because they are from the same field of endeavor that is digital still camera art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the Sarbadhikari et al. template image to the Ozawa et al. layout setting option means.

The suggestion for doing so would have been to provide a custom layout template instead of one of the predefined layout setting.

Therefore, it would have been obvious to combine Ozawa et al. with Sarbadhikari et al. to obtain the invention as specified in claim 10.

27. With respect to claim 11, the Sarbadhikari et al. reference further discloses the template image storage means for storing thumbnail images (reduced image) of the template images (col. 11, lines 1-5). Also, Examiner takes Official Notice that the use of thumbnail images of the template images is well known method in the art.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al. as applied to claims 12 and 15 above, and further in view of Sarbadhikari et al.

28. With respect to claim 19, arguments analogous to those presented for claim 10, are applicable. Since the image data to be printed along with the template images are sent from the digital camera, it is inherent/obvious that the CPU 50 does the image processing accordingly.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al. as applied to claims 12 and 15 above, and further in view of the applicant's acknowledgement as a prior art.

29. With respect to claim 27, Ozawa discloses the image inputting apparatus according to claim 25, but it does not discloses explicitly the edit process information having a digital print order format (DPOF).

However, since the Applicant admitted that DPOF has been applied to use as a standard format for setting an image to be printed from sensed images on a digital camera, and storing that setting information together with the image (pages 42, lines 8-12), it would have been obvious to incorporate the feature of DPOF in the Ozawa digital camera.

Conclusion

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park
Examiner
Art Unit 2622

csp
April 14, 2004

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